

Patent Application  
NC 84,352

### Remarks/Arguments

The Amendment After Final Rejection was not entered into the record because the Amendment was non-compliant and because the Declaration failed to overcome all rejections on appeal. The Amendment was non-compliant because it did not include in the Listing of Claims section the withdrawn claims 6-18 and the Declaration failed to overcome all rejections on appeal because the Declaration and argument were not commensurate in scope with the claims since the claims do not require the argued limitations. In explanation, the Examiner cited claim 1 as an example where claim 1 recites that the spinel's transparency is in excess of 50% for a thickness of 1 mm and the Declaration and the argument filed 4/20/'05 state that the claimed spinel has in-line transparency of 80% and total transmission of 70%.

It is believed that the non-compliance of the Amendment has been cured by including in the Listing of Claims section the withdrawn claims 6-18. As for the commensurate in scope issue, the in-line transmission of 80% and total transmission of 70% are within the recitation of the phrase "transparency in excess 50%," for which there is support in the original claims, and the transparency per 1 mm element thickness is a art recognized standard, as given, for example, at top of col. 4 of the Sellers patent. Furthermore, improved transmission does not appear to be

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the principal issue here, as noted at the interview. The principal issue in the recitation in claim 1, and other claims, to wit "essentially devoid of sintering aid." This recitation was discussed at the interview and was resolved.

On entry of this Corrected Amendment, claims 1, 4, 5, 19 and 2 will be pending in this application; claims 6-18 have been withdrawn; and claims 2, 3 and the extra claim 2 have been previously canceled. If this amendment is not entered into the record, then pending claims will be claims 1, 4, 5, 19, 20 and 21.

At the interview held on April 1, 2005, with Examiner Xu, Dr. Sanghera discussed the issue of particles and grains in the context of this art, mixing of sintering aids with powders and the true understanding of what is a uniform mixture, the transformation of particles to grains during sintering/densification, the comparison of a prior art spinel product with the new spinel product produced in the manner disclosed in the specification herein, trapped sintering aid in the prior art product and its negative effect on optical properties, presence of grains of exaggerated size in the prior art product and absence thereof in the new product and the negative effect thereof on optical and mechanical properties on the resulting products, and the difference on light transmission due to light reflectance and scattering. Pursuant to the Examiner's suggestion, Dr. Sanghera has prepared a Declaration, which is

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attached. The Declaration can serve as the Interview Summary since it sets forth the issues discussed with the Examiner at the interview.

The Proposed Amendment, a copy of which was given to the Examiner at the interview, includes amendments made in claim 1, which amendments are not substantive but only clarify the subject matter of claim 1. Should the Examiner object to any of the amendments made to claim 1, the amendments will be retracted and claim 1 will then correspond to its form prior to the final rejection.

On entry of this Corrected Amendment, the presently pending claims will be claims 1, 4, 5, 19 and 20. Claim 1 is an independent claim and claims 4 and 5 are dependent thereon; claim 19 is an independent claim and claim 20 is dependent thereon. Both of the independent claims, i.e., claims 1 and 19, contain the limitation "essentially devoid of a sintering aid and its components," which limitation is defined on p. 12 of the specification herein. This is contrary to what is disclosed at about the middle of column 3 of the Sellers reference. It is also important to note that the cost of the new product is 1/3 to 1/2 of the old product, as disclosed at about the middle of p. 12 of the specification herein.

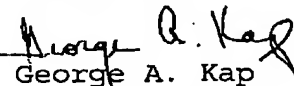
It is believed that claims 1, 4, 5, 19 and 20 are unobvious over the cited prior art and a notice of allowance is requested. If

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the case is not allowed, then a Notice of Appeal is has already been filed pertaining to claims 1, 4, 5, 19 and 20. Please charge our account #50-0281 for any fee due hereunder.

It is requested that this amendment be entered into the record for the reason that it will place the case in condition for allowance or a better form for appeal.

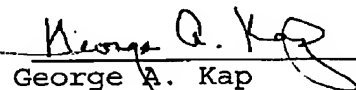
Sincerely,

  
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Fax Certification

I hereby certify that this document is being faxed to the PTO on the date shown below:

May 23, 2005  
Date

  
George A. Kap